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Of Attorneys for Defendants Will Stutesman,
Officer Grose, Officer Pieske, Sgt. McAlpine,
and the City of Eugene.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

RONDA MCGOWAN, Personal
Representative for the Estate of Brian
Babb, **LEE BABB, CONNOR BABB**,
by and through his Guardian Ad Litem,
STEPHANIE WOODCOCK, and
KAYLEE BABB,

Case No. 6:17-cv-00424-TC

Declaration of
Derek DeWitt

Plaintiffs,

vs.

WILL STUTESMAN, OFFICER GROSE,
OFFICER PIESKE, SGT. MCALPINE,
CITY OF EUGENE, a municipal subdivision
of the State of Oregon, **JANE DOE CALL**
TAKER, and John and Jane Does 1-10.

Defendants.

I, Derek DeWitt, under penalty of perjury do hereby declare as follows:

I am over the age of 18, and I make this declaration based on my personal knowledge of the facts contained herein.

On March 30, 2015, after the shooting involving Brian Babb, as I explained in my deposition and statement to OSP, as soon as the BearCat came to a stop, and right after the medics looked at Mr. Babb, I took a camera from Officer Stutesman, and I started taking pictures of the scene. In the BearCat video, at elapsed time 26:38, one can see me taking pictures of the rifle laying on the front porch at the Babb house and of Mr. Babb. My hands holding the camera appear in the left hand side of the BearCat video. Next, the video shows me taking pictures on the porch and stepping around the rifle that is at my feet. One then can see me continue to take photographs of the scene, inside and outside of the house. At elapse time 27:11, the BearCat video shows the flash on the camera going off.

The rifle on the front porch was first seen in the BearCat video at elapsed 21:40. Thus, this means that I started taking photographs of the rifle on the front porch beginning about 4 minutes and 58 seconds after the rifle was first seen on the front porch in the BearCat video (26:38 minus 21:40).

Attached as Exhibit 130 are true and correct copies of some of the photographs I took starting at elapsed time 26:38, including photographs of the rifle from various locations.

PURSUANT TO 28 U.S.C § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED: December 8, 2018.



Derek DeWitt

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF DEREK DeWITT on Plaintiffs on Tuesday, December 11, 2018, by notice of electronic filing using the CM/ECF System:

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Attorneys for Plaintiffs

Dated: Tuesday, December 11, 2018.

/s/ Robert E. Franz, Jr.
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